

Devine vs. Callery - S.B. Wright and Deloro Smelting and Refining Co. Limited.

In this case Mrs. Devine, who owns lot 9, in the 8th concession of Marmora township, claimed \$500.00 damages from the defendants, being the value of a dwelling house and other buildings moved off her land by Callery and for trespass. The house was erected some years ago by Mr. Deremo, under the terms of a lease which provided that by the 19th of March, 1917, the buildings might be removed. Deremo sold his rights under the lease to the Doyle Bros., who in turn sold to P. J. Gillen. After the store was burned down the latter sold to Callery, who this spring moved the buildings off the premises. The other defendants were charged with aiding their co-defendant, Callery, who placed the said buildings on part of the Company's property.

The action was dismissed with costs.
Porter & Carnew for Plaintiff.
A.A. McDonald and A. Abbott for defendants.

APPEAL WAS DISMISSED

The judgment of the Appellate division of the Supreme Court of Ontario in the case of Mrs. Margaret Devine v. Barney Callery, S.B. Wright and the Deloro Smelting and Refining Co. Limited was delivered on October 26th.

Chief Justice Meredith, Judge Riddell, Judge Lennox and Judge Rose were on the bench and all concurred in dismissing the appeal from the County Court with costs. Three of them went very fully into the case citing numerous precedents to show that Callery was within his rights in moving the house from the land of the Plaintiff. The action against the other defendants was also dismissed.

November 8, 1917